

## CHAPTER 90

### SCOPE OF TITLE — DEFINITIONS — FORMS

[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—90.1(455B,17A) Scope of title. The department has jurisdiction over the surface water and groundwater of the state to prevent, abate and control pollution. As a part of that general responsibility, the department and the Iowa finance authority are jointly designated to administer the clean water state revolving fund (CWSRF) pursuant to Iowa Code sections [455B.291](#) to [455B.299](#) and the federal Clean Water Act. This chapter provides the definitions and forms in the department's administration of the CWSRF. [567—Chapter 91](#) contains the criteria for rating and ranking water pollution control projects. [567—Chapter 92](#) contains the general project and program administration rules. [567—Chapter 93](#) contains rules for the nonpoint source pollution control programs.

567—90.2(455B,17A) Definitions. The following words and terms shall have the following meanings unless the context clearly indicates otherwise. The following definitions are applicable for this chapter and [567—Chapters 90, 91, 92](#) and [93](#).

“Authority” means the Iowa finance authority (IFA) as established by Iowa Code chapter [16](#).

“Clean Water Act” means the federal Water Pollution Control Act of 1972, P.L. 92–500, as amended by the Water Quality Act of 1987, P.L. 100–4, as published in 33 U.S.C. 1251–1376.

“Cluster systems” means onsite wastewater treatment systems providing treatment for two or more dwellings with a combined flow not to exceed 1,500 gallosn per day.

“Commission” means the Iowa department of natural resources environmental protection commission.

“Comprehensive Nutrient Management Plan” or “CNMP” means a conservation system that is unique to an animal feeding operation (AFO). A CNMP is a grouping of conservation practices and management activities which, when implemented as part of a conservation system, will help to ensure that both production and natural resource protection goals are achieved. A CNMP incorporates practices to use animal manure and organic by-products as beneficial resources. A CNMP addresses natural resource concerns dealing with soil erosion, manure, and organic by-products and their potential impacts on all natural resources including water and air quality, which may derive from an AFO. A CNMP is developed to assist an AFO owner/operator in meeting all applicable local, tribal, state, and federal water quality goals or regulations. For nutrient-impaired stream segments or water bodies, additional management activities or conservation practices may be required by local, tribal, state, or federal water quality goals or regulations. [From proposed Natural Resources Conservation Service Environmental Quality Incentives Program (NRCS EQIP) rules.]

“CWSRF” means the clean water state revolving fund, also known as the water pollution control works revolving loan fund as defined in Iowa Code section [455B.291](#).

“Department” or “DNR” means the Iowa department of natural resources.

“Director” means the director of the Iowa department of natural resources.

“Eligible cost” means the cost of all labor, material, machinery, equipment, loan initiation and service fees, facility planning, design and construction engineering services, legal fees and expenses related to the project; capitalized interest during construction of the project; and construction and rehabilitation of all or part of a project included in the funding request placed on the draft IUP as a fundable project, subject to approval by the commission.

“Eligible entity” means a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the commission rules to receive loans for projects from either of the revolving loan funds.

“Eligible project” means, in the context of the water pollution control facilities, the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in Section 212 of the Clean Water Act, or the implementation and development of management programs established under Sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under those Sections. Only projects classified under one of the following needs categories are eligible for loan assistance: I, II, IIIa, IIIb, IVa, IVb, V, VI, and all subcategories of VII. Projects for the primary purpose of speculative growth are considered ineligible.

“Equity fund” means the fund to receive grant proceeds pursuant to a capitalization grant agreement, amounts transferred from the deficiency fund, investment earnings from certain accounts in the master trust, and all loan principal and interest payments received for loans made from the clean water account, including prepayments but excluding repayments on loans transferred to a series of bonds. The equity fund is to be used to originate a loan agreement with an applicant for project costs and subsequently disburse funds to the applicant, to transfer for deposit in a reserve account established under a series of bonds, or to transfer or disburse funds and enter into loan

agreements for any other purposes, programs or undertakings that may be authorized by the Water Quality Act and rules enacted by the department.

“Facility plan” means a report certified by a professional engineer licensed to practice in Iowa and prepared in conformance with Chapter 11 of the Iowa Wastewater Facilities Design Standards (567—paragraph 64.2(9)“b”). This report shall be prepared to include an evaluation of the facility, identify problems, provide alternatives and a recommended solution, outline financing options and project time line, and address other applicable issues ensuring the viability of the project and the facility to meet project goals and discharge requirements.

“Federal cross-cutters” means the federal laws and authorities that apply to projects funded through CWSRF.

“Financial agent” means the entity or entities that have entered into a contract with the department to carry out the financial administration of the nonpoint source set-aside programs.

“Fiscal year” means the state fiscal year starting July 1 and ending June 30.

“Fundable applicant” means an eligible entity that meets the following criteria:

1. Appears on the state project priority list;
2. Has submitted a complete application for a water pollution control project with eligible costs;
3. Will be in a state of readiness to proceed with construction and use loan payments in a timely manner; and
4. Has been included on the state’s intended use plan as a proposed loan recipient or is otherwise eligible as described in 567—paragraph 93.5(1)“c,” 93.6(1)“c,” or 93.7(1)“c.”

“Intended use plan” or “IUP” means a plan identifying the intended uses of funds available for loans in the WPCSRF for each fiscal year as described in Section 606(c) of the Clean Water Act.

“Lending institution” means any bank, bank holding company, national banking association, savings and loan association, or life insurance company; any state or federal government agency or instrumentality; or any other financial institution or entity authorized to make loans in the state of Iowa.

“Loan agreement” means an executed contract between an individual and the participating lending institution which confirms the purpose of the loan, the amount and terms of the loan, the schedule of the loan payments and requirements, and any other agreed-upon conditions set forth by the director.

“Municipality” means the city, county, sanitary district, state agency, or other governmental corporation or body empowered to provide sewage collection and treatment services, or any combination of two or more such governmental bodies, or corporations acting jointly, in connection with a project.

“Needs category” means identified categories of needs which comprise mutually exclusive classes of facilities:

1. Category I – Secondary treatment. This category includes wastewater treatment needs necessary to meet the minimum level of treatment required by the federal Clean Water Act.
2. Category II – More stringent treatment. This category includes the wastewater treatment needs necessary when more stringent wastewater treatment than secondary (Category I) is required to protect the receiving waters.
3. Category IIIa – Infiltration/inflow correction. This category includes rehabilitation of existing sanitary sewers to preclude the entrance of storm water inflow or groundwater infiltration into the sewer. Rehabilitation can include sewer or manhole repairs by sealing, lining or replacement and physical removal of inflow sources. Infiltration/inflow correction removes flow from the sewer system by elimination and thereby reduces volumes of wastewater to be treated.
4. Category IIIb – Major sewer system rehabilitation. This category includes sewer replacement and major rehabilitation of collection or transmission sewers where necessary to the total integrity and performance of the wastewater conveyance and treatment facilities. Category IIIb does not have infiltration and inflow removal as its basic justification. “Replacement” is defined as the construction of parallel sewer or sewers which perform the function of existing sewers where existing sewers are to be abandoned. “Major rehabilitation” is defined as extensive repair of existing sewers beyond the scope of normal maintenance programs and necessary to maintain structural integrity. Sewer work associated with infiltration/inflow elimination is considered a Category IIIa need. Relief sewers do not fall within this category since they are newly constructed sewers with a function beyond that of existing sewers.
5. Category IVa – New collectors and appurtenances. This category includes sewers which will serve to collect wastewater in existing communities. The collection system is considered as those public sewers which have a principal purpose of providing service for individual users in existing residential and commercially developed areas to enable collection of wastewater in a centralized system. Pumping stations and force mains and other related appurtenant structures are considered part of the collection system if their primary mechanical function relates to the collection system.
6. Category IVb – New interceptors and appurtenances. This category includes sewers which have a principal purpose of transporting wastewater from a collection system to a wastewater treatment site. Relief sewers are included in this category where additional sewer capacity is required to accommodate all wastewater in a separate

sewer system to ensure that it is transported to a wastewater treatment plant for adequate treatment, and to prevent public health hazards within the service area. Relief sewers may include parallel sewers. Pumping stations and force mains and other related appurtenant structures are considered in this category if their primary mechanical function relates to the interceptor's principal purpose. Equalization basins are included in this category.

7. Category V – Correction of combined sewer overflows. This category includes any construction to control the discharge of pollutants from combined storm and sanitary overflows and bypasses, including sewer separation or rehabilitation, detention basins, lagoons or other facilities to control or treat such discharges.

8. Category VI – Storm water. This category includes municipal storm water management programs required pursuant to NPDES permits for discharges from municipal separate storm sewers systems. These management programs include programs or source control measures, or both, structural and nonstructural.

9. Category VIIa – Agricultural cropland sources. This category includes nonpoint source needs caused by agricultural activities such as plowing, pesticide spraying, irrigation, fertilizing, planting, and harvesting.

10. Category VIIb – Animal sources. This category includes nonpoint source needs caused by agricultural activities related to animal production such as confined animal facilities and grazing.

11. Category VIIc – Silviculture. This category includes nonpoint source needs caused by forestry activities such as removal of streamside vegetation, road construction and use, timber harvesting, and mechanical preparation for the planting of trees.

12. Category VIId – Urban sources. This category includes nonpoint source needs associated with new or existing development in urban or rural settings, such as erosion, sedimentation, and discharge of pollutants (e.g., inadequately treated wastewater, oil, grease, road salts, and toxic chemicals) into water resources from construction sites, roads, bridges, parking lots, and buildings.

13. Category VIIe – Groundwater protection (unknown sources). This category includes the needs that address groundwater protection nonpoint source needs such as wellhead and recharge protection activities.

14. Category VIIf – Marinas. This category includes needs associated with boating and marinas such as poorly flushed waterways, boat maintenance activities, discharge of sewage from boats, and the physical alteration of shoreline, wetlands, and aquatic habitat during the construction and operation of marinas.

15. Category VIIg – Resource extraction. This category includes needs associated with nonpoint source activities from mining and quarrying activities.

16. Category VIIh – Brownfields. This category includes needs that address nonpoint source problems associated with real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

17. Category VIIi – Storage tanks. This category includes the needs that address nonpoint source problems caused by tanks designed to hold gasoline or other petroleum products or chemicals.

18. Category VIIj – Landfills. This category includes the needs to address nonpoint source problems caused by sanitary landfills.

19. Category VIIk – Hydromodification. This category includes the needs to address nonpoint source problems associated with channelization and channel modification, dam, and streambank and shoreline erosion.

20. Category VIII - Individual/decentralized sewage treatment. This category includes needs associated with the rehabilitation or replacement of individual or community sewage disposal systems and the treatment portion of other decentralized sewage disposal technologies.

21. Category VIII - Concentrated animal feeding operations (CAFO). This category includes the needs for a combination of unit processes or best management practices designed to address water quality or public health problems caused by agricultural activities related to animal production that are subject to the federal concentrated animal feeding operation regulations.

22. Category IX - Point source mining. This category addresses the needs for a combination of unit processes or best management practices designed to address water quality or public health problems caused by point source mining and quarrying activities.

“Nontraditional project” means a project where the primary purpose of the project is not to protect or improve water quality. A secondary purpose of the project does include water quality improvement or protection.

“Onsite wastewater treatment system,” “onsite treatment system” or “onsite system” means the same as “onsite wastewater treatment and disposal system” as defined in rule [567—69.2\(455B\)](#).

“Project completion” means the date operations of the project are initiated or are capable of being initiated, whichever is earlier.

“Quasi-public agency” means an agency that provides public services and is under private ownership or control.

“State project priority list (PPL)” means the list of projects in priority order that may qualify for CWRSF loan assistance. The list is developed in accordance with [567—Chapter 91](#).

567—90.3(455B,17A) Forms. The following forms are used to apply for assistance and to provide required documentation. All forms may be obtained from Environmental Services Division, Department of Natural Resources, Henry A. Wallace Building, 502 E. Grand, Des Moines, Iowa 50319. Recipients of assistance shall also comply with applicable requirements of the department's rules.

90.3(1) *Point source water pollution control project forms.*

- a. Application package - Form 542-1320.
- b. and c. Rescinded IAB 3/15/06, effective 4/19/06.

90.3(2) *Livestock water quality facilities forms.*

- a. Application form for loan assistance - Form 542-8159.
- b. Reserved.

90.3(3) *Local water protection project forms.* Rescinded IAB 3/15/06, effective 4/19/06.

90.3(4) *General nonpoint source project forms.*

- a. Application form for loan assistance - Form 542-8156.
- b. Reserved.

90.3(5) *Onsite wastewater treatment assistance forms.*

- a. Application form for loan assistance - Form 542-8045.
- b. Reserved.

These rules are intended to implement Iowa Code sections [455B.291](#) to [455B.298](#).

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]

[Filed 9/25/03, Notice 7/9/03—published 10/15/03, effective 11/19/03]

[Filed 2/24/06, Notice 12/21/05—published 3/15/06, effective 4/19/06]